

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-HC-02088-FL**

CHARLES HALLINAN, JOSEAN)
KINARD, ARNOLD J. HILL, BENJAMIN)
D. MCRAE, JOHN DAILEY, LEE M.)
AYERS, GEORGE B. RIDDICK, JORGE)
LUIS MALDONADO, ANTWAN HARRIS,)
ANTHONY BUTLER, and TROY A.)
TITUS on behalf of themselves and similarly)
situated individuals,)

Petitioners/Plaintiffs)

v.)

THOMAS SCARANTINO, COMPLEX)
WARDEN, FEDERAL CORRECTIONAL)
COMPLEX BUTNER; MICHAEL)
CARVAJAL, FEDERAL BUREAU OF)
PRISONS DIRECTOR; AND JEFFERY)
ALLEN, FEDERAL BUREAU OF)
PRISONS MEDICAL DIRECTOR, in their)
official capacities,)

Respondents/Defendants.)

**NOTICE OF RELATED CASE
LOCAL CIVIL RULE 40.3(B)**

**This document relates to: 5:18-CR-00475-
BO**

Per Rule 40.3(b) of the local civil rules of the United States District Court for the Eastern District of North Carolina, Plaintiffs provide notice that this case arises from a common nucleus of operative facts with, and therefore may be a “related case” to *United States v. Anthony Butler*, No. 5:18-CR-00475-BO (E.D.N.C., Boyle, J.).

Anthony Butler, a named Petitioner/Plaintiff in the instant civil action, pleaded guilty in July 2019 to one count of felon in possession of a firearm and one count of possession of a firearm in furtherance of a drug trafficking crime. Mr. Butler was sentenced to a total of five years’ imprisonment and is currently housed at Federal Correctional Institute Butner Low, which is part of Federal Correctional Complex Butner (“FCC Butner”). This Court ruled on Mr. Butler’s

Motion for Compassionate Release Due to COVID-19 Outbreak on May 19, 2020. *United States v. Anthony Butler*, No. 5:18-CR-00475-BO (E.D.N.C. Apr. 23, 2020), ECF No. 56; Order, *United States v. Anthony Butler*, No. 5:18-CR-00475-BO (E.D.N.C. May 19, 2020), ECF No. 60. The bases for Mr. Butler’s motion and for the instant case arise from a common nucleus of operative facts—in particular the conditions at FCC Butner and the Federal Bureau of Prison’s inadequate response to the COVID-19 outbreak in the complex—and the cases call for a determination of similar questions of law and fact.

Respectfully submitted this 26th day of May, 2020.

/s/ Jeffrey S. Wilkerson

Jeffrey S. Wilkerson [N.C. State Bar No. 51209]

Gretchen Scavo [N.C. State Bar No. 48589]*

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* Admission Forthcoming

Counsel for Petitioners/Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was electronically filed on this day with the Clerk of Court using the CM/ECF system and that a copy will be served, pursuant to Fed. R. Civ. P. 4(i)(1)(A)(i), along with the Complaint and Summons, by personal service on the United States Attorney for the Eastern District of North Carolina at the following address:

Robert J. Higdon
U.S. Attorney-Eastern District of N.C.
150 Fayetteville St., Suite 2100
Raleigh, NC 27601

Additionally, a copy will be sent by registered or certified mail, along with the Complaint and Summons, pursuant to Fed. R. Civ. Pr. 4(i)(1)(A)(ii), 4(i)(B), and 4(i)(2), to:

Thomas Scarantino
Complex Warden
Federal Correctional Complex-Butner
Old NC Highway 75
Butner, NC 27509

William Barr
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Jeffery Allen, M.D.,
Federal Bureau of Prisons
Health Services Division
320 1st Street NW
Washington, DC 20534

Robert J. Higdon
U.S. Attorney-Eastern District of N.C.
ATTN: Civil Process Clerk
150 Fayetteville St., Suite 2100
Raleigh, NC 2760

Michael Carvajal, Director
Federal Bureau of Prisons
320 1st Street NW
Washington, DC 20534

Dated: May 26, 2020

/s/ Jeffrey S. Wilkerson
Jeffrey S. Wilkerson